



Atty. Docket No.: 25436/1340 PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carstens, Carsten-Peter
Serial No.: 09/492,590
Filed: January 27, 2000
Entitled: "Methods and Compositions for High
Level Expression of Heterologous
Protein With Poor Codon Usage"

Examiner: G. Leffers
Group Art Unit: 1636

Conf. No.: 1053

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EL932823793US** on this date, **September 26, 2002**, postage prepaid, in an envelope addressed to Box: CPA, Commissioner for Patents, Washington, D.C. 20231.

Mark J. FitzGerald

Name of Person Mailing Paper

Signature of Person Mailing Paper

Box: CPA
Commissioner for Patents
Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. Section 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R. Section 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. Section 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. Section 1.53(d)(2)(v).

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before "abandon".

Further to the Office Action mailed March 26, 2002, the deadline for filing the CPA is September 26, 2002. A Petition for Three Months' Extension of Time is Enclosed.

9/30/2002 HBERNE 00000114 09492590

FC:231
FC:203
FC:202

370.00 OP
207.00 OP
126.00 OP

3. It is noted that:

- * This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. Section 1.53(d)(2)(ii).
- * Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. Section 122 to the extent that any member of the public, who is entitled under the provisions of Section 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. Section 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. Section 1.53(d)(6).
- * Filing of this request is the specific reference required by 35 U.S.C. Section 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 C.F.R. Sections 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. Section 1.53(d)(2)(iii) is being filed.

5. Fee Calculation

Regular Application

| CLAIMS AS FILED | | | | | |
|---|--------------|---------------------|--------------|----------|--|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee \$740.00 37 CFR 1.16(a) |
| Total Claims (37 CFR 1.16(c)) | 43 | 20 | 23 | \$18.00 | \$414.00 |
| Independent Claims (37 CFR 1.16(b)) | 6 | 3 | 3 | \$84.00 | \$252.00 |
| Multiple Dependent Claim(s), if any (37 CFR 1.16(d)) | No | 0 | | \$280.00 | 0 |

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| | |
|------------------------|------------|
| Filing Fee Calculation | \$1,406.00 |
|------------------------|------------|

6. Small Entity Statement

Applicant asserts small entity status under 37 C.F.R. 1.27(c)(1) \$ 703.00

Filing fee calculation on (50% of above).

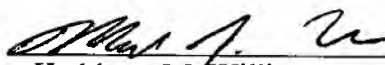
7. Fee Payment

Included in the amount of \$ 1,163.00 for the filing fee for the CPA and Petition for three months' extension of time. Please charge any deficiency of the fees or credit any over payments to Deposit Account No. 16-0085, Reference 125436/1340.

8. Change of Correspondence Address since Filing of Parent Application

Since this filing is a continuation there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

Date: September 26, 2002

Mark J. Fite Gen. 12
Reg. No. 45,528 A-

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